H_Policy_Grievance

Kwiyagatu Community Academy Grievance/Communication Procedure (7.7.20)

Student/Parent Grievance/Communication Procedure

Communications policy regarding any student and school related concern, complaint, or formal grievance to honor due process. Employee and Board grievances must follow the Ute Mountain Ute Employee Policy, Section 8 Grievances and Appeals, pages 5-10.

Step 1 - Address Issue with Those Directly Involved. The grievant (typically the parent represents the student and the Head of School represents any staff member) must first bring the concern to the attention of the individual(s) directly involved. A meeting should be scheduled where the concerns can be expressed in private and in an environment conducive to resolution. If the grievant brings the concern directly to the attention of the School Leader without first attempting to address the issue at the lowest level, the School Leader may redirect the grievant to the appropriate level in the process.

NOTE: A grievant is not required to address the issue with the person directly involved if the grievant is alleging harassment or discrimination. In case of grievances relating to allegations of harassment or discrimination, please see the school's **Workplace Harassment/Discrimination Guidelines** please see the school's **Harassment/Discrimination Guidelines** available below in the Handbook. The HOS will serve as the Title IX coordinator. All Title IX complaints are to be emailed to Head of School.

Step 2 - Address Issue with School Leader. If a satisfactory resolution is not reached at the lowest possible level, or where the complaint directly involves the School Leader, the concern may then be brought to the attention of the School Leader. If feeling uncomfortable, either party may invite the school's Program Coordinator to be a part of the meeting to help resolve the issue. The School Leader will schedule a phone call or an in-person meeting within 48 hours of receiving the complaint (where possible) in order to address the situation, facilitate ongoing communication, and develop goals for conflict resolution. The School Leader will continue to monitor the issue until either a resolution or a mutual impasse is reached. *The complaint shall be in writing and shall detail (i) the date of the incident (if applicable); (ii) the School staff member involved; (iii) a description of the incident, decision, or practice that gave rise to the issue; (iv) the conflict resolution strategies that have been attempted thus far; and (v) the grievants requested resolution. Within five calendar days from the date on which the written statement was received, the School Leader will either issue a written response to the grievant or contact the grievant to schedule a time to discuss the issue.*

Step 3 - Prepare a Written Grievance for the Board of Directors. In cases only when a concern has not been resolved at Steps 1 or 2 or only when a mutual impasse has been reached, the grievant may file a formal written grievance with the school Board President. The written grievance must detail (i) the date of the incident (if applicable); (ii) the School staff member involved; (iii) a description of the incident, decision, or practice that gave rise to the issue; (iv) the conflict resolution strategies that have been attempted thus far; and (v) the grievants requested resolution.

Current contact information for the Board President can be found on the School website, under the 'Board of Directors' page. Within 10 days from receipt, the Board President, or his/her designee, will review the written grievance and provide a written response to the grievant either determining that the grievance has merit and warrants full review by the entire Board of Directors or declines to review the written grievance for lack of merit. If the Board President, or his/her designee, determines that the grievance warrants full review by the entire Board of Directors, the Board shall review the grievance at its next regularly-scheduled Board Meeting and issue a written decision to the grievant within 10 days of the meeting. If declining review, the Board's written response to the grievant will explain the reasons for the determination.

While any member of the public is always welcome to speak in an open board meeting, no grievance issue will be addressed by the Board without the grievant having first followed these proper procedures outlined in this policy. Issues of employee or student privacy may only be addressed in Executive Session, as is legally proper.

Step 4 - Submit a Written Grievance to the Colorado Charter School Institute Executive Director. If the grievant is not satisfied with the School Board's determination not to review the written grievance or the written resolution reached by the School Board after reviewing the grievance, the grievant may submit its concerns in written format to the Institute's Executive Director within five business days from receiving the written decision from the School Board President. After review, the Institute's Executive Director will publish his/her conclusions in writing within 15 calendar days from receipt of the written concern. The decision of the School's Board will not be overturned unless there are compelling grounds that the School violated an applicable law, regulation, policy, or contract provision. The Institute can be contacted at (303) 866-3299 or csi_info@csi.state.co.us.

Note: An employee will not be subject to any retaliatory action as a result of reporting conduct that is considered to be illegal sexual harassment or discrimination. Reporting false information considered defamatory could lead to immediate termination of employment. E-mail accounts are provided to employees to conduct work-related business only. No personal use of e-mail accounts is permitted in any circumstances. As such, all e-mail can and may be periodically monitored. Outgoing and incoming e-mail deemed to be offensive, pornographic, which promotes or incites negative marketing or public relations, promotes or incites threats to any individual's safety and security, or is otherwise deemed inappropriate, defamatory or unprofessional, is prohibited. Violations of this policy may result in immediate termination of employment.

E-mail addresses of students and families are confidential information of the e-mail address owner and are used for the purposes of communicating school-related business only. Any personal use by employees of email accounts belonging to students, parents, or community members or any distribution lists containing such e-mail addresses may result in immediate termination of employment.
This includes communication relating to the employment relationship of the employee and any business of any individual that is deemed to be private and confidential, or any e-mail deemed to be offensive, pornographic, which promotes or incites negative marketing or public relations against the school or any individual at the school, promotes or incites threats to any individual's safety and security, or is otherwise deemed inappropriate, defamatory or unprofessional.

Employee Grievances (Tribal Employee Policy p. 21-24)

CHAPTER 8
GRIEVANCES AND APPEALS

Selection 1. General

Any employee who is aggrieved by an action which relates to working conditions, work relations, or personnel policies and procedures, whose complaint cannot be resolved through informal discussions with the immediate supervisor, may file a written grievance (in whatever form chosen), under the provisions of this section to the immediate supervisor within five working days after the occurrence of the action in question. This five-day limitation may be waived if the employee was unaware of the action before the time period specified will terminate the grievance.

Grievances shall include, but are not limited to, employee-supervisor relationships, duty assignments other than those specified in the job classification, shift and job location assignments, hours worked, working facilities and conditions, policies for granting leave, and disciplinary action. Any employee who takes his/her employment problems outside of the grievance procedure, without first attempting to resolve the problems in accordance with the procedure, shall be subject to disciplinary action.

A copy of the original grievance shall be filed with the Personnel Director. Every effort shall be made by the parties to resolve the grievance at the lowest possible level. All records relating to a grievance procedure are confidential. If a formal grievance is filed, it shall be processed in the following manner, except that time limits may be waived or extended with written consent of both parties:

Step 1 -The employee shall present the written grievance to the immediate supervisor with a copy to the Personnel Director. The grievance reply shall be given to the employee with a copy sent to the Personnel Director within five (5) working days of the filling date. If the grievance remains unresolved or the decision is considered unacceptable, the employee may proceed to Step 2.

Step 2 -Within five working days after receipt of the decision in Step 1, or after the decision is due, the employee shall present the written grievance and the decision to the department manager. The department manager shall schedule a conference with the party (s) within five working days after the receipt of the grievance. The department manager shall give a grievance reply to the employee with a copy to the Personnel Director within five working days after the conclusion of the conference. If the grievance remains unresolved or the decision is considered unacceptable, the employee may proceed to Step 3.

Step 3 -Within five working days after the receipt of the decision in Step 2, or after the decision is due, the employee shall present the written grievance to the Personnel Director. The Personnel Director shall, within five working days after the receipt of the grievance, give a grievance reply to the employee. If the decision is considered unacceptable, the employee may proceed to Step 4.

Step 4 -Within five working days after the receipt of the decision in Step 3, or after the decision is due, the employee shall present the written grievance to the Executive Director. The Executive Director shall within five working days after receipt of the grievance remains unresolved or if the decision is considered unacceptable, the employee may proceed to Step.
Step 5 -After the employee has exhausted the administrative remedies, the employee may file a written appeal, within five working days after the receipt of the decision in Step 3, or after the decision is due, to the Grievance Committee for a formal hearing.

The Grievance Committee shall, within 15 working days after the receipt of the grievance, schedule an appeal hearing. When a hearing is scheduled, written notice shall be sent to all interested parties at least five working days in advance of the date set for the hearing, including a copy of the appeal to be heard and setting forth the time, date, place, and purpose of the hearing.

All appeal hearings will be closed to the public unless the employee has requested that a hearing be open. In conducting an appeal hearing, the proceedings shall be informal, and the technical rules of evidence shall not apply.

All parties if a hearing shall be entitled to counsel or representation of their own choosing at their own expense.

Within five working days of closing a hearing, the Grievance Committee shall present, in writing, its findings and decision to all concerned parties. Such decision shall be final and binding upon both the employee and the Ute Mountain Ute Tribe.

All employees have the opportunity to present a grievance as prescribed by this section. If an employee is threatened or subject to duress when presenting the grievance, the employee may so notify the Grievance Committee in writing. The Grievance Committee shall authorize an investigation of such complaints and based upon findings, may take disciplinary action against any person who was derelict or discriminatory in considering the grievance.

The Personnel Director or his/her designee shall be responsible and accountable for the personnel functions.

The Personnel Director is responsible for providing copies of all relevant records in the grievance to the Grievance Committee.

The Grievance Committee shall consist of the Superintendent of the local BIA Agency, the IHS Clinic Director or his designee, and an impartial Division/Department Head as the third committee member.

If, because of a conflict of interest, one member must be disqualified, an alternate member who is agreeable to both other members shall be appointed.